

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of Pacific Gas and Electric Company (U 39 M) for Authorization Under Public Utilities Code Section 851 to Grant a Sublease to Fisher Nickel, Inc.

Application 03-11-021
(Filed November 24, 2003)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER
AND ADMINISTRATIVE LAW JUDGE**

Summary

Pursuant to Rules 6(a) and 6.3 of the Commission's Rules of Practice and Procedure (Rule),¹ this ruling sets the procedural schedule, addresses the need to designate a principal hearing officer, and addresses the scope of the proceeding.

Background

Applicant Pacific Gas and Electric Company (PG&E), an electric public utility regulated by this Commission, seeks authority under Pub. Util. Code § 851 to grant a sublease to Fisher Nickel, Inc. (Fisher Nickel) for the Food Service Technology Center located in San Ramon, California. No protests have been filed.

Scope of the Proceeding

The broad issue in this proceeding is whether the Commission should approve PG&E's request to sublease the described premises to Fisher Nickel. In considering this issue, the Commission must review the terms of the parties'

agreement, which is attached to the Application, and determine whether the agreement is consistent with the public interest. In reaching its conclusion, the Commission will need to consider the impact the sublease would have on PG&E's ratepayers, including PG&E's ability to serve those customers, as well as the guidance provided by precedent.

Schedule

At this time it does not appear that hearings will be necessary. If more detailed review of the application confirms that this proceeding may be resolved on an ex parte basis, no hearings will be scheduled and the assigned administrative law judge (ALJ) will prepare a draft decision in accordance with Rule 77.7. The draft decision will be prepared as quickly as possible, considering competing demands on the ALJ's caseload, and following preparation, will be included on the agenda for the first Commission meeting permitted by applicable public meeting laws. At this time we foresee no reason that this application cannot be processed within the 18-month timeline mandated by Pub. Util. Code §1701.5, and we anticipate that the timeline will be considerably shorter, with a draft decision issued within the first half of 2004.

Category of Proceeding and Need for Hearing

This ruling confirms that this is a ratesetting proceeding and that no hearings are anticipated, as preliminarily determined in Resolution ALJ 176-3124, which was issued on December 4, 2003. Since no hearings are anticipated, this ruling does not designate a principal hearing officer. (Rules 5(k)(2) and 6(a) (3).)

¹ Unless otherwise indicated, all subsequent citations to rules refer to the Rules, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

Ex Parte Rules

Pursuant to Rule 6.6, given the determination in this ruling that no hearings will be required, ex parte communications are permitted, as provided in Rule 7(e).

IT IS RULED that:

1. The scope of the proceeding is as set forth herein.
2. The schedule for this proceeding is set forth herein.
3. This ruling confirms that this proceeding is a ratesetting proceeding and that hearings are not anticipated.
4. Given the determination in this ruling that no hearings are required, ex parte communications are permitted, as provided in Rule 7(e).

Dated March 5, 2004, at San Francisco, California.

/s/ SUSAN P. KENNEDY

Susan P. Kennedy
Assigned Commissioner

/s/ JANET A. ECONOME

Janet A. Econome
Administrative Law Judge
Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated March 5, 2004, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.